EXHIBIT D

GHAJAR
EXHIBIT 7

FILED UNDER SEAL

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4   -----------------------------:

5   RICHARD KADREY, et al.,   :

6   Individual and   :

7   Representative Plaintiffs,:

8   vs.   : Case No.:

9   META PLATFORMS, INC.,   : 3:23-cv-03417-VC

10   a Delaware corporation;   :

11   Defendant.   :

        -----------------------------:

12

13   VIDEOTAPED DEPOSITION OF MATTHEW C. KLAM

14   Cleary Gottlieb Steen & Hamilton, LLP

15   Tuesday, December 10, 2024

16   9:40 a.m.

17

18   Reported by:

19   Robert M. Jakupciak, RPR

20   JOB No. SF-7030273

21

22   PAGES 1 - 381

                                          Page 1

1	So the idea that a piece of work is	11:40:36
2	protected under fair use because it's	11:40:39
3	transformative, fair use protects that new	11:40:41
4	work, and if a piece is not transformative,	11:40:46
5	it's deemed derivative and it's not protected	11:40:50
6	under fair use. That's what I took away from	11:40:53
7	that whole conversation about or attempt to	11:40:56
8	learn about fair use.	11:41:00
9	Q. Okay. Would you agree that Meta AI	11:41:02
10	is capable of generating a variety of content	11:41:11
11	that has nothing to do with your books?	11:41:19
12	A. Yes.	11:41:23
13	Q. Would you agree with me that Meta	11:41:26
14	AI serves a purpose different from that of your	11:41:31
15	books?	11:41:40
16	MR. RATHUR: Objection to form.	11:41:43
17	A. Yeah. Sometimes they do other	11:41:47
18	stuff, yes.	11:41:49
19	Q. Would you agree with me that Meta	11:41:51
20	AI serves, has functionality that is different	11:41:53
21	from your books?	11:41:59
22	A. Yes.	11:42:03

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1   REPORTER'S CERTIFICATE

2

3   I, ROBERT M. JAKUPCIAK, an RPR and

4   Notary Public within and for the District of

5   Columbia do hereby certify:

6   That the witness whose deposition is

7   hereinbefore set forth, was duly sworn and that

8   the within transcript is a true record of the

9   testimony given by such witness.

10   I further certify that I am not

11   related to any of these parties to this action

12   by blood or marriage and that I am in no way

13   interested in the outcome of this matter.

14   IN WITNESS WHEREOF, I have hereunto

15   set my hand this 20th day of December, 2024.

16

17

18   ROBERT M. JAKUPCIAK, an RPR and

19   Notary Public

20

21   My Commission Expires:

22   February 28, 2029

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 1            UNITED STATES DISTRICT COURT

 2           NORTHERN DISTRICT OF CALIFORNIA

 3             SAN FRANCISCO DIVISION

 4

 5   RICHARD KADREY, et al.,              )

 6             Individual and            )

 7          Representative Plaintiffs,)

 8        vs.                      )Case No.

 9   META PLATFORMS, INC., a          )3:23-cv-03417-VC

10   Delaware corporation,             )

11             Defendant.             )

12   _____)

13

14           C O N F I D E N T I A L

15

16     VIDEOTAPED DEPOSITION OF SARAH SILVERMAN

17             Los Angeles, California

18          Thursday, October 10, 2024

19                  VOLUME I

20

21   Stenographically Reported by:

22   RENEE D. ZEPEZAUER, RPR, CRR, CSR No. 6275

23   JOB No. 6944934

24

25   PAGES 1 - 330
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1   question.   06:17:02

2   THE WITNESS: This case is a copyright

3   infringement case. My copyright was infringed. Period.

4   BY MS. DUNNING:

5   Q   Would you agree that making an AI model that   06:17:23

6   can generate content unrelated to your book serves a

7   purpose different from your book itself?

8   MR. ZIRPOLI: Object to the form of the

9   question.

10   THE WITNESS: I don't understand your question.   06:17:41

11   Oh, that them stealing, but they stole for the greater

12   good because they are not going to make any money from

13   their AI model. Come on. If you were representing me,

14   you would be completely -- okay.

15   MS. DUNNING: Can you read back my question,   06:18:00

16   please.

17   (Record read.)

18   THE WITNESS: I think that question is beyond

19   irrelevant because what this book does, it does do

20   something for the AI model or they wouldn't have stolen   06:18:24

21   it. There are things in it that I don't know. Maybe

22   modern language, poetic license, things that aren't

23   necessarily in -- myriad public domain books they could

24   have used. It must add some kind of value. For me to

25   know that value is irrelevant. But they took it, and   06:18:45

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1   they knew it was wrong. They knew it was a copyright,   06:18:49

2   and they didn't get anything on the written page. So

3   clearly they saw value in it.

4   MS. DUNNING: I'll move to strike the answer.

5   MR. ZIRPOLI: That's denied.   06:19:02

6   MS. DUNNING: The question -- you're not the

7   judge.

8   MR. ZIRPOLI: You don't get to move to strike.

9   THE WITNESS: I deny it.

10   MS. DUNNING: I'm going to move to strike the   06:19:07

11   answer.

12   MR. ZIRPOLI: Denied.

13   THE WITNESS: I bet.

14   BY MS. DUNNING:

15   Q   My question is whether -- let's ask the   06:19:11

16   question one more time, if you would.

17   MR. ZIRPOLI: The question has been asked and

18   answered now twice.

19   THE WITNESS: This time with pizzaz. She can't

20   write that. That's not fair.   06:19:18

21   (Record read.)

22   THE WITNESS: I see why you're going -- for the

23   transformative thing.

24   MR. ZIRPOLI: Object to the form of the

25   question.   06:19:47

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1           THE WITNESS:  I disagree.                    06:19:50

2     BY MS. DUNNING:

3         Q    Why do you disagree?

4         A    Just to be a dick.

5         Q    Is there any other reason you disagree?   06:19:58

6         A    I guess because I've answered this question a

7     myriad of times and you didn't like the answer so you

8     move to strike it.

9            It's not about the output.  If the output might

10    not be this book, but without this book it wouldn't have  06:20:16

11    the out-book, and all the other books for which the

12    copyright was breached by your client knowingly.

13        Q    Have you ever talked to anyone at HarperCollins

14    about licensing your book for AI training?

15        A    No.  I haven't talked to them since I wrote the  06:20:33

16    book.

17        Q    Have you ever talked to your agent about

18    licensing your work for AI training?

19        A    Again, no.

20        Q    Have you ever talked to your business partner  06:20:46

21    Mr. Leventhal about licensing your work for AI training?

22        A    I've talked to nobody, especially not Meta or

23    ChatGPT which really is the shitty -- the shitty fact,

24    the reason why we're here.

25        Q    Have you ever talked to your agents at UTA   06:21:06
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1   I, the undersigned, a Certified Shorthand

2   Reporter of the State of California, do hereby certify:

3   That the foregoing proceedings were taken

4   before me at the time and place herein set forth; that any

5   witnesses in the foregoing proceedings, prior to

6   testifying, were administered an oath; that a record of

7   the proceedings was made by me using machine shorthand

8   which was thereafter transcribed under my direction; that

9   the foregoing transcript is a true record of the testimony

10   given; that if the foregoing proceedings were reported

11   stenographically remote from the witness and parties, the

12   transcript of the proceedings reflects the record that I

13   could hear and understand to the best of my ability.

14   Further, that if the foregoing pertains to

15   the original transcript of a deposition in a Federal

16   Case, before completion of the proceedings, review of

17   the transcript [X] was [ ] was not requested.

18   I further certify I am neither financially

19   interested in the action nor a relative or employee of any

20   attorney or any party to this action.

21   IN WITNESS WHEREOF, I have this date

22   subscribed my name this 24th day of October, 2024.

23

24   RENEE DiMENNO ZEPEZAUER

25   CSR #6275, RPR, CRR

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1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF CALIFORNIA

3   SAN FRANCISCO DIVISION

4   - - - - - - - - - - - - - - -+

5   RICHARD KADREY, et al, |

6   Plaintiffs, | Case Number:

7   vs. | 3:23-cv-03417-VC

8   META PLATFORMS, INC., a |

9   Delaware corporation, |

10   Defendant. |

11   - - - - - - - - - - - - - - -+

12

13

14   Confidential Videotaped Deposition of

15   RACHEL LOUISE SNYDER

16   Wednesday, December 11, 2024

17   at 9:42 a.m.

18   in Washington, D.C.

19

20

21   Reported by:

22   Laurie Donovan, RPR, CRR, CLR

23   JOB 7030288

24

25   PAGES 1 - 285

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1   think it did have something to do with -- I mean it's

2   not, obviously not topically connected to what I'm

3   writing about, but, you know, in terms of a human

4   being doing the work and then creating their own

5   thing, then it seems kind of the same, although I

6   don't know if recipes are copyrightable or not.

7   Q   So I'm not asking about Ina Garten. I'm

8   just asking about your book.

9   So you -- would you agree with me that an AI

10   model that can generate recipes serves a completely

11   different purpose for your book, No Visual [sic]

12   Bruises?

13   A   No Visible Bruises, yes. Visual?

14   Q   Let me ask the question again. Would you

15   agree that an AI model that can generate recipes

16   serves a completely different purpose from your book,

17   No Visible Bruises?

18   A   Yes.

19   Q   And an AI model that can generate restaurant

20   recommendations serves a completely different purpose

21   from that of your book, right?

22   A   Yes.

23   Q   An AI model that is used by doctors to

24   generate notes of patient visits serves a completely

25   different purpose from that of your book, right?

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1   A   Yes.

2   Q   Why did you write No Visible Bruises?

3   A   Because I realized that we had deep

4   misunderstandings of the scope of domestic violence,

5   the treatment of domestic violence, the, the ripple

6   effect or spillover effect of domestic violence into

7   our communities -- yeah, we just didn't -- and the

8   media was not -- still is not in some ways accurately

9   representing what domestic violence truly is or how we

10   can address it.

11   Q   And were you hoping that your book, No

12   Visible Bruises, would bring attention to these issues

13   and help inform people about them?

14   A   Yes, I was, although I was also keenly aware

15   that I'm, you know, living in a country that has 400

16   years of not caring about domestic violence, so I very

17   much was like how do I get people to read a book about

18   a subject that they probably are not at all interested

19   in.

20   Well, it comes down to how I write from one

21   sentence to the next and how gripping I can make that,

22   and how, how I can make narrative tension drive the
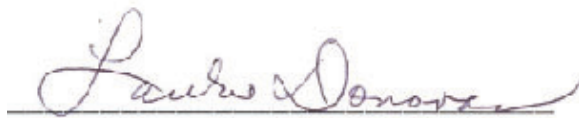
23   reader to continue turning pages.

24   That's probably more of an answer than you

25   need, but yeah.

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1   CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC

2

3   I, Laurie Donovan, Registered Professional

4   Reporter, Certified Realtime Reporter, and notary

5   public for the District of Columbia, the officer

6   before whom the foregoing deposition was taken,

7   do hereby certify that the foregoing transcript

8   is a true and correct record of the testimony

9   given; that said testimony was taken by me

10   stenographically and thereafter reduced to

11   typewriting under my supervision; and that I am

12   neither counsel for, related to, nor employed by

13   any of the parties to this case and have no

14   interest, financial or otherwise, in its outcome.

15   IN WITNESS WHEREOF, I have hereunto set my

16   hand and affixed my notarial seal this 24th day

17   of December 2024.

18

19   My commission expires: July 14, 2027

20

21

22   _____

23   LAURIE DONOVAN

24   NOTARY PUBLIC IN AND FOR

25   THE DISTRICT OF COLUMBIA

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